

REMARKS

Claims 1-61 are pending. Claims 1, 27, 37, 42, 46, 49 and 54 are the independent claims. With this amendment, claims 27, 34-35, 37-39, 41-45 and 50 have been amended. Claims 1-26 have been canceled.

I. Office Action Summary

In the Office Action mailed April 5, 2004, the Examiner objected to a number of the claims for informalities. The Examiner rejected all of the claims as indicated below:

Claims	Prior Art Reference	Statutory Basis
55-59		§112, second paragraph
1-6, 18-21 and 23-26	Fornek (US 5,305,312)	§102(e)
27-36, 37-47, 49, 54-55 and 59-60	Whittaker (US 6,130,893)	§102(e)
7-17 and 22	Fornek	§103(a)

The Examiner indicated that claims 48, 50-53, 56-58 and 61 would be allowable if rewritten in independent form.

II. Objections to the Claims

Applicant submits that the Examiner's objections to claims 1, 10, 19 and 26 are moot in view of the cancellation of claims 1-26. Applicant has made the suggested changes to claims 37, 43-45 and 50, with the additional modification that all proper instances of "said" have been replaced with "the" in order to reflect a more consistent claim form. Applicant submits that the objections have been overcome with these amendments.

III. Rejections Under 35 U.S.C. § 112, Second Paragraph

Applicant has amended claim 55 to replace "switching device" with "splitter". Support for this correction may be found, for example, at Page 6, lines

16-21 and FIG. 2 of the application as filed. Applicant submits that the antecedent basis rejection has been fully addressed with this correction and that, by removal of this erroneous element, the resulting claim scope is at least as broad as the original version of claim 55.

IV. Rejections Under 35 U.S.C. § 102(e)

A. Rejection of Claims 1-6, 18-21 and 23-26 over Fornek

Applicant respectfully disagrees with the Examiner's rejection of claims 1-6, 18-21 and 23-26 over Fornek. In order to expedite issuance of the remaining claims, however, Applicant has canceled these claims. Applicant reserves the right to refile these claims in a continuation application.

B. Rejection of Claims 27-47, 49, 54-55 and 59-60 over Whittaker

Applicant submits that claims 27-47, 49, 54-55 and 59-60 are fully supported by US Application Serial No. 08/742,164, a parent application to the present case. The '164 application was filed on November 11, 1996 and predates the October 9, 1997, filing date of Whittaker. Accordingly, Applicant requests that the rejections over Whittaker be withdrawn as Whittaker is not prior art to these claims.

Examples of support for the rejected claims may be found in the '164 application as follows:

Current Claim	Examples of Support in Parent '164 Application
27-45	Substantially identical to Claims 1-19 as filed
46-47	FIG. 3; pages 9-10
49	FIG. 3; page 12, line 10 – page 13, line 20
54-55	FIGS. 2-3, pages 12-13
59-60	FIG. 1; page 5; page 6, line 23 – page 7, line 14

A copy of the '164 application, as filed, is attached for the Examiner's convenience.

In view of the fact that Whittaker is not prior art to these claims, applicant submits that claims 27-61 are in condition for allowance.

V. Rejections Under 35 U.S.C. § 103(a)

Although Applicant respectfully disagrees with the rejection of claims 7-17 and 22 as obvious over Fornek, Applicant has canceled these claims in order to expedite allowance of the remaining claims. Applicant reserves the right to refile claims 7-17 and 22 in a continuation,

IV. Examiner's Indication of Allowable Subject Matter

Applicant acknowledges, with thanks, the Examiner's indication of allowability of claims 48, 50-53, 56-58 and 61 if rewritten in independent form. In view of the above remarks, Applicant submits that claims 27-61 are in condition for allowance.

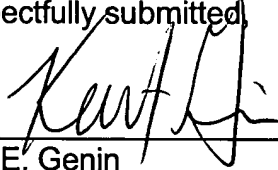
V. Conclusion

Pursuant to the Examiner's suggestions, claims 37, 43-45 and 50 have been amended to remove informalities. Claim 55 has been amended to remove an erroneous claim term, thus correcting the antecedent basis. To remove an inconsistency in the format of claims 27, 34-35, 37-39 and 41-45, Applicant has amended these claims to replace "said" with "the". Applicant submits that these amendments do not narrow the scope of the claims and that these claims retain the same scope as the original version.

Claims 1-26 have been cancelled to expedite allowance of claims 27-61. Although Applicant is appreciative of the indication of allowability of a number of the claims, Applicant submits that claims 27-61 are allowable in view of the inapplicability of Whittaker as prior art to those claims. With the above amendments and remarks, Applicant submits that claims 27-61 are in condition for allowance.

A Notice of Allowance is respectfully requested. If any questions arise or issues remain, the Examiner is requested to contact the undersigned at the number listed below in order to expedite disposition of this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kent E. Genin", is written over a horizontal line.

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